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| CLERK US DISTRICT COURT<br>DISTRICT OF NEVADA |  |
| BY:   | DEPUTY   |

12 UNITED STATES DISTRICT COURT  
 13 DISTRICT OF NEVADA

14 LV GAMING VENTURES, LLC, a  
 15 Nevada limited liability company,

16 Plaintiff,

17 v.

18 THE M RESORT PHUKET, an unknown  
 19 entity doing business in Phuket, Thailand;  
 20 and INFINITY ONLINE SOLUTIONS  
 21 Co., LTD., an unknown entity doing  
 22 business in Phuket, Thailand,

23 Defendant.

Case No. 2:11-cv-01552-LDG-VCF

*[Signature]*  
 PROPOSED ORDER GRANTING MOTION  
 FOR PRELIMINARY INJUNCTION

24 UPON CONSIDERATION of the motion filed by Plaintiff LV Gaming Ventures, LLC  
 25 ("Plaintiff") for a preliminary injunction, the supporting memorandum of points and authorities, the  
 26 supporting documents and evidence, the record in this case, and for other good cause shown;

27 THE COURT HEREBY FINDS THAT:

28 1. Personal jurisdiction over Defendants The M Resort Phuket and Infinity Online  
 Solutions, Co. Ltd. ("Defendants") is proper because Defendants have purposefully availed  
 themselves of the privilege of conducting activities in Nevada by willfully infringing Plaintiff's  
 copyrighted work ("M Bar Image," as defined in Plaintiff's Motion For Preliminary Injunction) with

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1 knowledge that Plaintiff's principal place of business is in Nevada, Plaintiff's claim for copyright  
2 infringement arises out of Defendants' forum-related activities, and the exercise of jurisdiction over  
3 Defendants is reasonable.

4 2. Defendants' infringement of Plaintiff's valuable trademarks, including its M  
5 RESORT, M BAR and VILLAGGIO BAR marks (collectively "M RESORT Marks," as defined in  
6 Plaintiff's Motion For Preliminary Injunction) occurred in United States commerce under the  
7 Lanham Act, and Defendants' infringement of Plaintiff's exclusive rights in its M Bar Image occurred  
8 within the United States under the Copyright Act, through Defendants' website ("Infringing  
9 Website") connected to their <mresortphuket.com> domain name (the "Infringing Domain Name")

10 3. Plaintiff will suffer irreparable injury to its business reputation, market share and the  
11 goodwill associated with its M Bar Image and M RESORT Marks if Defendants are not enjoined  
12 from transferring the Infringing Domain Name, which contains the M RESORT Marks, and whose  
13 associated Infringing Website has prominently displayed Plaintiff's M Bar Image, to other domain  
14 name registrars, persons or entities;

15 4. Plaintiff will suffer irreparable injury to the goodwill associated with the valuable M  
16 RESORT Marks if Defendants are not enjoined from owning or using generic top-level domain  
17 names (.com, .net, .info., .org, .biz, .name, and .pro) containing the M RESORT Marks, or any  
18 confusingly similar variations thereof;

19 5. Plaintiff will suffer irreparable injury to its exclusive rights in its copyrighted works,  
20 including the M Bar Image, if Defendants are not enjoined from reproducing, publishing, publicly  
21 distributing, preparing derivative works from and/or otherwise using Plaintiff's copyrighted works in  
22 any way in the United States;

23 6. Plaintiff is likely to succeed on the merits of its claims for cybersquatting and  
24 copyright infringement;

25 7. The balance of hardships tips in favor of Plaintiff because issuance of the injunction  
26 would merely prevent Defendants from continuing to infringe upon Plaintiff's intellectual property  
27 rights in the United States. Conversely, without such relief, Plaintiff would continue to suffer loss to  
28 its business reputation, market share and the goodwill associated with the M RESORT Marks;

1           8. Issuance of the preliminary injunction would be in the public interest because it  
2 would protect consumers against deception and confusion arising from Defendants' use of Plaintiff's  
3 M RESORT Marks in the United States, and would uphold the rights granted to Plaintiff by  
4 Congress in its copyrighted M Bar Image;

5           THEREFORE, IT IS HEREBY ORDERED THAT, pending a full trial on the merits:

6           A. Registration of the Infringing Domain Name shall be immediately transferred to  
7 Plaintiff. The domain name registrar, GoDaddy, shall effectuate the transfer.

8           B. GoDaddy shall ensure that the Infringing Domain Name remains on hold and lock.

9           C. GoDaddy shall not cancel or transfer the Infringing Domain Name during the  
10 injunctive period.

11           D. In the event that GoDaddy fails or refuses to comply with this Preliminary Injunction  
12 within one day of its issuance, the top-level domain (TLD) Registry for the Infringing Domain  
13 Name, Verisign, shall be authorized to maintain the Infringing Domain Name on Registry Hold  
14 status, thus removing it from the TLD zone files maintained by the Registry which link the Infringing  
15 Domain Name to the IP address where the associated website is hosted, pending the outcome of this  
16 litigation.

17           E. Defendants and Defendants' officers, agents, servants, employees and/or all persons  
18 acting in concert or participation with Defendants are hereby enjoined from:

- 19           1. using the M Resort Marks or confusingly similar variations thereof, alone or  
20 in combination with any other letters, words, letter strings, phrases or designs,  
21 in United States commerce (including, without limitation, in connection with  
22 any business targeting United States residents in the United States) or on any  
23 websites connected to any generic top level domain names (.com, .net, .info.,  
24 .org, .biz, .name, and .pro);
- 25           2. registering or trafficking in any generic top-level domain names (.com, .net,  
26 .info., .org, .biz, .name, and .pro) containing the M Resort Marks or  
27 confusingly similar variations thereof, alone or in combination with any other  
28 letters, words, phrases or designs; and

*George D. George*  
UNITED STATES DISTRICT JUDGE